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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92285

David GOUJON, et al.

Appln. No.: 10/562,692

Group Art Unit: 3754

Confirmation No.: 3783

Examiner: Unknown

Filed: May 30, 2006

For: CONTROL VALVE FOR A FLUID PRODUCT DISPENSER AND A FLUID PRODUCT DISPENSER COMPRISING SUCH A VALVE

Submission of English Translation of International Preliminary Report

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report (IPER). It is noted that the reference cited in the International Search Report were previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on December 27, 2005, and are therefore not enclosed herewith.

Respectfully submitted,

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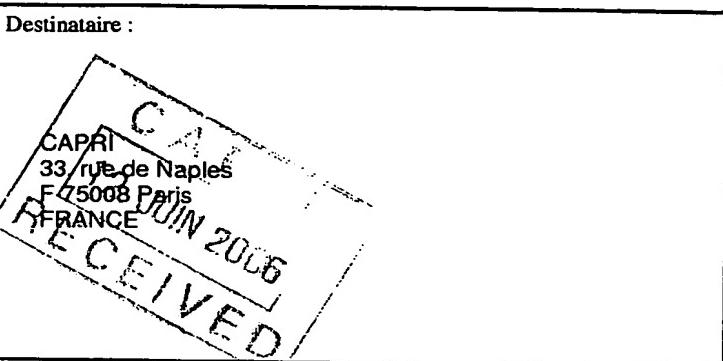
Date: August 24, 2006

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PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)



Date d'expédition (jour/mois/année) 08 juin 2006 (08.06.2006)	Destinataire :
Référence du dossier du déposant ou du mandataire VALS 919 B PCT	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2004/001704	Date du dépôt international (jour/mois/année) 01 juillet 2004 (01.07.2004)
Déposant	VALOIS SAS etc

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Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI
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1211 Genève 20, Suisse

Fonctionnaire autorisé

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>Applicant's or agent's file reference VALS 919 B PCT</p>		<p>Date of mailing (day/month/year)</p>
<p>FOR FURTHER ACTION See paragraph 2 below</p>		
International application No. PCT/FR2004/001704	International filing date (day/month/year) 01.07.2004	Priority date (day/month/year) 02.07.2003
<p>International Patent Classification (IPC) or both national classification and IPC</p>		
<p>Applicant VALOIS SAS</p>		
<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input checked="" type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>		

<p>Name and mailing address of the ISA/EP</p>	<p>Authorized officer</p>
<p>Facsimile No.</p>	<p>Telephone No.</p>

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001704

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- a sequence listing
 table(s) related to the sequence listing

b. format of material

- in written format
 in computer readable form

c. time of filing/furnishing

- contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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International application No.

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Box No. II Priority

1. The following document has not yet been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2004/001704

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-13 YES

Claims _____ NO

Inventive step (IS)

Claims 1-13 YES

Claims _____ NO

Industrial applicability (IA)

Claims 1-13 YES

Claims _____ NO

2. Citations and explanations:

- 1 Reference is made to the following documents in the present notification:

D1: US 6 202 900 B1 (TSUTSUI TATSUO ET AL) 20 March 2001

- 2 Document D1, which is considered to represent the most relevant prior art, describes (the references between parentheses apply to this document):

A control valve for dispensing fluid products, designed to be mounted on a reservoir containing fluid product, the said valve comprising a valve body (12) comprising a metering chamber (21), and the valve comprising a first valve element (19) for dispensing the product contained in the metering chamber (21), and a second valve element (18) for filling the said metering chamber (21),

from which the subject matter of independent claim 1 differs in that:

the said first and second valve elements are actuated separately during valve use.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/FR2004/001704

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be:

How to improve metering accuracy and reproducibility and facilitate the filling of the reservoir with the fluid product and with the propellant.

2.2 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

By using 2 valve elements (one for admission, one for delivery) actuatable separately for the metering chamber, it is possible to obtain a rest position in which the metering chamber is closed off from the reservoir and from the exterior (no return of the product to the reservoir, and therefore more accurate metering) and the reservoir can easily be filled by opening both valve elements simultaneously.

2.3 Claims 2-11 are dependent on claim 1, and claims 12 and 13 relate to a dispensing device comprising a valve according to one of claims 1 to 11. As such they also meet the requirements of novelty and inventive step of the PCT.